

**Minutes of the Joint meeting of the
Veneta City Council & Planning Commission
July 10, 2006**

Council: Mayor T. J. Brooker, Darrell Carman, Thomas Cotter, Marion Esty, and Sharon Hobart-Hardin

Planning Commission: Chairman James Eagle-Eye, Jim Bruvold, and James Dean

Absent: Planning Commissioners Lily Rees, and Len Goodwin

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Brian Issa, Planner; Margaret Boutell, Community Services Director; Kyle Schauer, Public Works Superintendent; Mona Linstromberg; Lee Taylor-Loewe; Joan Mariner; and Rob Lafferty, West Lane News

1. CALL TO ORDER

- a. Veneta City Council - Mayor Brooker called to order at 5:40 p.m.
- b. Veneta Planning Commission - James Eagle Eye called the Planning Commission to order at 5:40 p.m.

2. JOINT PUBLIC HEARING

CITY OF VENETA - (V-1-06) Request for a variance to the Veneta Wetland Protection Ordinance, Veneta Municipal Code - Chapter 18.10, Section 18.10.060, Variances to allow construction of the north/south connection of Pine Street between Hunter Road and E. Bolton Road.

- a. Open Hearing: Mayor Brooker opened the public hearing at 5:41 p.m.
- b. Declaration of Conflict of Interest or Ex-Parte Contacts: None
- c. Staff Report (Brian Issa)
The request is for approval of a variance to the City's wetland protection ordinance to allow permanent impacts to significant wetlands for the construction of an extension of Pine Street that will connect E. Bolton Road to Hunter Road. The Pine Street connection was originally approved as part of the Hunter Heights Subdivision; however, the decision was appealed to LUBA and remanded back to the City. Although the Division of State Lands (DSL) and Army Corp. of Engineers had approved the developer's permits for the extension of Pine Street, the developer chose to not continue with the appeal process and to develop the subdivision without the Pine Street crossing. The developer dedicated right-of-way and provided the City with cash to cover the cost of the Pine Street extension as designed.

Since that time, the City has completed an East Veneta Study which included an in-depth analysis of the transportation needs and potential wetland impacts for that area. Pine Street was identified as a necessary crossing. A new delineation of the area was performed in May 2006 by Nancy Holzhauser on behalf of the City. At this time the City is seeking a variance to complete the Pine Street

connection with an open-bottom culvert rather than the previously designed three hole culvert.

Brian advised the Council and Commission that no comments were received from the public. He presented a set of revised final orders with some minor changes noted. The changes were suggested by legal council to add consistency. The report addresses all of the remand assignments of error LUBA has remanded to the City in the past by addressing alternatives and weighing public need versus adverse impacts. The East Veneta Study gives added weight to public need for the implementation of Veneta Transportation System Plan (TSP). Pine Street came out of that process as a priority crossing of the wetlands. Pine Street is classified as a minor collector and will be developed to full city standards with bicycle lanes and sidewalks. Also cited as a public need is minimization of expenditures. Page 7 of the findings lists other alternatives.

Brian said according to Nancy Holzhauser the open-bottom culvert maintains the necessary pathways under the road for a fish and wildlife corridor. The findings also detail adverse impacts as defined in the wetland protection ordinance such as water quality, wildlife, stormwater storage, and sediment trapping. The findings weigh and balance the public need versus adverse impacts. A summary is included on the last page of the findings that states the public need for the proposed filling to facilitate the proposed street improvements, and the need to realize definite benefits for capital expenditures, outweigh the adverse impacts to the wetland functions and values on this particular site. The adverse impacts will be mitigated through off-site wetland banks and on-site stormwater detention and treatment facilities. The adverse impacts have also been drastically reduced from the previously proposed crossing that was permitted through DSL and the Corp. of Engineers. The public need has been confirmed by an in-depth study that included extensive technical review and citizen involvement. Approval of the variance will allow the City to realize its transportation goals with a minimal overall loss of wetland functions and values.

Brian said staff recommends approval of the variance to allow the construction of Pine Street.

d. Public Testimony

Mona Linstromberg; 88140 Territorial Road; Veneta, OR

Ms. Linstromberg said she would like some clarification as to whether the open bottom culvert design versus a bridge was discussed at the meeting attended by four members of the Neighbors for Responsible Growth. She said she didn't think a culvert was mentioned instead of a bridge. She said the decision to run culverts through the wetlands that was appealed to LUBA began in February 2004. She said she appreciates the public process involving the Neighbors 4 Responsible Growth in the East Veneta Study. She said she supports the open bottom culvert as being a better option than the original culvert design; however, she still has a concern about the impact on the wetlands.

e. Close of Public Hearing: Mayor Brooker closed the public hearing at 5:50 p.m.

f Questions from the Veneta City Council

Darrell Carman asked if a private developer would be given the same consideration for saving costs. In response, Brian said a monetary savings for a private developer would not be considered a public need. In this case, the City will be paying for the crossing; therefore, the cost savings is considered a public benefit.

Darrell Carman expressed concern that other developers may try to take advantage by giving right-of-way to the City and letting the City make the improvements. In response, Sheryl Hackett explained that in this particular case the developer did not depend on Pine Street for the development of his subdivision. Pine Street was a crossing in the City's Transportation System Plan that the City wanted for connectivity.

In response to a question from Jim Bruvold, Margaret said the money provided by the developer was based on a cost estimate approved by the City Engineer for construction of the Pine Street crossing with three culverts.

In response to a question, Margaret said the open bottom culvert was chosen based on past approvals by the Planning Commission and Council.

In response to a question by James Dean as to whether or not the new design invalidates the previous approval, James Eagle Eye said the revision was a result of the LUBA remand. Sheryl Hackett explained that when the variance was remanded the developer could have withdrawn his original tentative plan and resubmitted a revised plan without a Pine Street connection. Without the Pine Street extension, the developer would have had one additional lot and no street costs. The City wanted the crossing and agreed to accepting the right-of-way and cash for the construction costs as designed. Margaret said the variance for Pine Street to cross the wetlands was the only part of the subdivision that was appealed.

James Dean said he feels the builder got off cheap and the public has to pay the difference.

Mayor Brooker said he doesn't feel the developer got off easy because the street was not needed to develop his subdivision. He feels the developer paid money for something that was for the public need, not his private need.

James Eagle Eye said the City has tried to get as much development out of the wetlands as possible, partly for flood control. He said he is concerned that they will be setting precedent for allowing development in the wetlands to save costs, making it harder to require the next developer to stay out of the wetlands. Darrell Carman said he has the same concern.

Thomas Cotter agreed. He said the City has changed the design to try to get the most for their money as well as adhere to the wetland ordinance. He said cities are charged with being fiscally responsible. He said he believes there is a difference between the costs for a street the developer wants and one the City

requires.

Ric said the East Veneta Study was a very extensive one-year study to determine what wetland crossings were needed to provide adequate transportation for public safety and commuters.

Sharon Hobart-Hardin said it is important to recognize that Pine Street came out of a collaborative process to determine what streets were in the best interest of the City and that there have been no substantial negative statements regarding the variance.

In response to a question, Brian said the revised design has a 63% reduction in the impact to the wetlands.

James Eagle Eye said he wants it made clear that there is a distinction between public and private when it comes to economic impact. In response, Mayor Brooker said if a private project is too expensive, it is up to the developer on whether or not they do it.

In response to questions about the flood capacity with or without a bridge, Brian explained that it is up to the City Engineer to design the crossing for a ten-year storm event. Mayor Brooker said the City Engineer's design will take hydrology into account. Darrell Carman pointed out that three culverts were approved before and the open bottom culvert would be an improvement over that. He also pointed out that the decision they are being asked to make is for a variance, not for the engineering design. He said a design that meets City standards is required.

g. Deliberation and Decision

MOTION: Sharon Hobart-Hardin made a motion to approve the request for a variance to the City's wetland protection ordinance to allow the construction of the Pine Street crossing. Thomas Cotter seconded the motion. The motion passed with a vote of 7-1 (Darrell Carman voting no)

Mayor Brooker closed deliberations at 6:32 p.m.

3. **OTHER**

James Eagle Eye said the ten-year storm event doesn't seem to be working well. He said he feels the City should start looking at where the water will go during other storm events such as a 25, 50, and 100 year storm. He said some of the existing roads and detention ponds have already shown that designing for a 10-year storm may not be the best solution.

Mayor Brooker said he would like more information from the City Engineer on how the City's storm system as a whole will work during each of the different storm events and where the water will go. He said it's important information for the Council and Commission to understand.

In response, Margaret said money has been put in the budget for this year to begin working on stormwater issues.

James Dean said he would like the City to consider adopting design standards that incorporate more greenways and wetlands into neighborhood designs.

Mayor Brooker agreed that design standards are an important issue to be discussed; however, the Council has to set priorities based on funding. At the present time stormwater has been included in the budget.

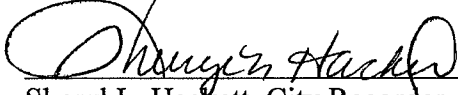
4. ADJOURN

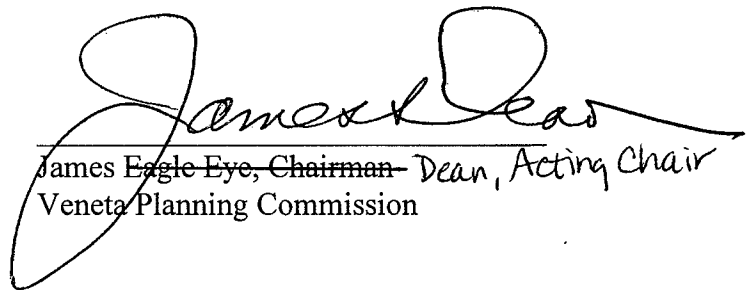
Mayor Brooker adjourned the Veneta City Council and Chairman James Eagle-Eye adjourned the Veneta Planning Commission at 6:40 p.m.



T. J. Brooker, Mayor
Veneta City Council

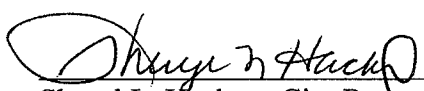
ATTEST:



Sheryl L. Hackett, City Recorder

~~James Eagle-Eye, Chairman~~ Dean, Acting Chair
Veneta Planning Commission

ATTEST:



Sheryl L. Hackett, City Recorder
(minutes prepared by SLHackett)